

Article 4. ADMINISTRATIVE ACTIONS**87040 DENIAL OF INITIAL LICENSE****87040**

- (a) Except as specified in Section 87030, which provides for issuance of a provisional license, the licensing agency shall deny an application for an initial license if it is determined that the applicant is not in compliance with applicable law and regulation.
- (1) The licensing agency shall have the authority to deny an application for an initial license if the applicant has failed to pay any civil penalty assessment pursuant to Section 87065 and in accordance with a final judgment issued by a court of competent jurisdiction, unless payment arrangements acceptable to the licensing agency have been made.
- (2) An application for initial licensure shall not be denied solely on the basis that the applicant is a parent who has administered or will continue to administer corporal punishment, not constituting child abuse as defined in Section 11165, subdivision (g) of the Penal Code, or Section 1531.5(c) of the Health and Safety Code, on his/her own child(ren).

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- (A) Section 11165, subdivision (g) of the Penal Code states:

Child abuse means a physical injury which is inflicted by other than accidental means on a child by another person. Child abuse also means the sexual assault of a child or any act or omission proscribed by Section 273a (willful cruelty or unjustifiable punishment of a child) or 273d (corporal punishment or injury). Child abuse also means the neglect of a child or abuse in out-of-home care.

- (B) Section 273(a) of the Penal Code states:

Any person who, under circumstances or conditions likely to produce great bodily harm or death, willfully causes or permits any child to suffer, or inflicts thereon unjustifiable physical pain or mental suffering, or having the care or custody of any child, willfully causes or permits the person or health of such child to be injured, or willfully causes or permits such child to be placed in such situation that its person or health is endangered, is punishable by imprisonment in the county jail not exceeding one year, or in the state prison for 2, 3 or 4 years.

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87040 DENIAL OF INITIAL LICENSE (Continued)

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Any person who, under circumstances or conditions other than those likely to produce great bodily harm or death, willfully causes or permits any child to suffer, or inflicts thereon unjustifiable physical pain or mental suffering, or having the care or custody of any child, willfully causes or permits the person or health of such child to be placed in such situation that its person or health may be endangered, is guilty of a misdemeanor.

(C) Section 273(d) of the Penal Code states:

Any person who willfully inflicts upon any child any cruel or inhuman corporal punishment or injury resulting in a traumatic condition is guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the state prison for 2, 3 or 4 years, or in the county jail for not more than one year.

(D) Section 1531.5(c) of the Health and Safety Code states:

Child abuse means a situation in which a child suffers from any one or more of the following:

1. Serious physical injury inflicted upon the child by other than accidental means.
2. Harm by reason of intentional neglect or malnutrition or sexual abuse.
3. Going without necessary and basic physical care.
4. Willful mental injury, negligent treatment, or maltreatment of a child under the age of 18 by a person who is responsible for the child's welfare under circumstances which indicate that the child's health or welfare is harmed or threatened thereby, as determined in accordance with regulations prescribed by the Director of Social Services.
5. Any condition which results in the violation of the rights or physical, mental, or moral welfare of a child or jeopardizes the child's present or future health, opportunity for normal development, or capacity for independence.

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87040 DENIAL OF INITIAL LICENSE (Continued)**87040**

- (b) If the application for an initial license is denied, the licensing agency shall mail the applicant a written notice of denial.
- (1) The notification shall inform the applicant and set forth the reasons for the denial and shall advise the applicant of the right to appeal.
- (c) An applicant shall have the right to appeal the denial of the application pursuant to Health and Safety Code Section 1526.

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- (d) Health and Safety Code Section 1526 provides in part:

Immediately upon the denial of any application for a license or for a special permit, the licensing agency shall notify the applicant in writing.

Within 15 days after the licensing agency mails the notice, the applicant may present his/her written petition for a hearing to the licensing agency. Upon receipt by the licensing agency of the petition in proper form, such petition shall be set for hearing. The proceedings shall be conducted in accordance with Chapter 5 commencing with Section 11500 of Part 1 of Division 3 of Title 2 of the Government Code.

Health and Safety Code Section 1551 provides in part:

Proceedings for the suspension, revocation, or denial of a license under this chapter shall be conducted in accordance with the provisions of Chapter 5 commencing with Section 11500 of Part 1 of Division 3 of Title 2 of the Government Code.

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- (e) Notwithstanding any appeal action, the foster family home is unlicensed and shall not operate pending adoption by the director of a decision on the denial action.

NOTE: Authority cited: Sections 1530 and 1530.5, Health and Safety Code. Reference: Sections 1520, 1525, 1526 and 1547, Health and Safety Code.

87041 DENIAL OF A RENEWAL LICENSE**87041**

- (a) The licensing agency shall have the authority to deny an application for a renewal license under the following circumstances:
- (1) The home has serious deficiencies as defined in Section 87001s.(1) at the time of the renewal.
 - (2) The department has taken action to suspend or revoke the license or to seek other remedies as provided by law.
- (b) If the application for a renewal license is denied, the licensing agency shall mail the licensee a written notice of denial by certified mail.
- (1) The notification shall inform the licensee of, and set forth the reasons for, the denial, and shall advise the licensee of the right to appeal.
- (c) The licensee shall have the right to appeal the denial of the application for renewal pursuant to Health and Safety Code Section 1526.

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- (d) Health and Safety Code Section 1526 reads:

Immediately upon the denial of any application for a license or for a special permit, the state department shall notify the applicant in writing. Within 15 days after the state department mails the notice, the applicant may present his written petition for a hearing to the state department. Upon receipt by the state department of the petition in proper form, such petition shall be set for hearing. The proceedings shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the state department has all the powers granted therein.

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- (e) When a renewal application is denied and the licensee appeals the denial, the licensing agency shall, upon written request from the licensee within the 15-day period, issue a license pending adoption by the director of a decision on the denial action.

87041 DENIAL OF A RENEWAL LICENSE (Continued)**87041**

- (f) An application for renewal licensure shall not be denied solely on the basis that the licensee is a parent who has administered or will continue to administer corporal punishment not constituting child abuse as defined in Section 11165, subdivision (g) of the Penal Code, or Section 1531.5(c) of the Health and Safety Code, on his/her own child(ren).

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- (1) Section 11165, subdivision (g) of the Penal Code states:

Child abuse means a physical injury which is inflicted by other than accidental means on a child by another person. Child abuse also means the sexual assault of a child or any act or omission proscribed by Section 273a (willful cruelty or unjustifiable punishment of a child) or 273d (corporal punishment or injury). Child abuse also means the neglect of a child or abuse in out-of-home care.

- (2) Section 273(a) of the Penal Code states:

Any person who, under circumstances or conditions likely to produce great bodily harm or death, willfully causes or permits any child to suffer, or inflicts thereon unjustifiable physical pain or mental suffering, or having the care or custody of any child, willfully causes or permits the person or health of such child to be injured, or willfully causes or permits such child to be placed in such situation that its person or health is endangered, is punishable by imprisonment in the county jail not exceeding one year, or in the state prison for 2, 3, or 4 years.

Any person who, under circumstances or conditions other than those likely to produce great bodily harm or death, willfully causes or permits any child to suffer, or inflicts thereon unjustifiable physical pain or mental suffering, or having the care or custody of any child, willfully causes or permits the person or health of such child to be placed in such situation that its person or health may be endangered, is guilty of a misdemeanor.

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87041 DENIAL OF A RENEWAL LICENSE (Continued)**87041**

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- (3) Section 273(d) of the Penal Code states:

Any person who willfully inflicts upon any child any cruel or inhuman corporal punishment or injury resulting in a traumatic condition is guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the state prison for 2, 3 or 4 years, or in the county jail for not more than one year.

- (D) Section 1531.5(c) of the Health and Safety Code states:

Child abuse means a situation in which a child suffers from any one or more of the following:

1. Serious physical injury inflicted upon the child by other than accidental means.
2. Harm by reason of intentional neglect or malnutrition or sexual abuse.
3. Going without necessary and basic physical care.
4. Willful mental injury, negligent treatment, or maltreatment of a child under the age of 18 by a person who is responsible for the child's welfare under circumstances which indicate that the child's health or welfare is harmed or threatened thereby, as determined in accordance with regulations prescribed by the Director of Social Services.
5. Any condition which results in the violation of the rights or physical, mental, or moral welfare of a child or jeopardizes the child's present or future health, opportunity for normal development, or capacity for independence.

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NOTE: Authority cited: Sections 1530 and 1530.5, Health and Safety Code. Reference: Sections 1520, 1524, 1525, 1526 and 1531.5, Health and Safety Code.

87042 REVOCATION OR SUSPENSION OF LICENSE**87042**

- (a) The department shall have the authority to suspend or revoke any license on any of the grounds specified in Health and Safety Code Section 1550.

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- (1) Health and Safety Code Section 1550 specified the following grounds:
- (A) Violation by the licensee of any of the statutory provisions of the California Community Care Facilities Act or any of the rules and regulations promulgated by the department under the Act.
 - (B) Aiding, abetting or permitting the violation of any said statutory provisions or said rules and regulations of the department.
 - (C) Conduct in the operation or maintenance, or both the operation and maintenance, of a community care facility which is inimical to the health, morals, welfare or safety of either an individual in or receiving services from a community care facility, or of the people of the State of California, when operating and/or maintaining such a facility.
 - (D) The conviction of a licensee, or other person mentioned in Section 1522, at any time during licensure, of a crime as defined in Section 1522.
 - (E) The licensee of any facility or the person providing direct care or supervision who knowingly allows any child to have illegal drugs or alcohol on the licensed premises.

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- (b) Proceedings to hear a revocation action or a revocation and temporary suspension action shall be conducted pursuant to the provisions of Health and Safety Code Section 1551.

87042 REVOCATION OR SUSPENSION OF LICENSE (Continued)**87042**

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- (1) Health and Safety Code Section 1551 provides in part:

Proceedings for the suspension, revocation, or denial of a license under this chapter shall be conducted in accordance with the provisions of Chapter 5 commencing with Section 11500 of Part 1 of Division 3 of Title 2 of the Government Code.

- (2) Chapter 5, commencing with Section 11500 of Part 1, Division 3, Title 2 of the Government Code provides in part:

(A) When the director intends to seek revocation of a license, he/she shall notify the licensee of the proposed action, by serving the licensee with an accusation, and shall advise the licensee of the right to a hearing.

(B) The licensee shall have the right to a hearing prior to the revocation or suspension of a license, except as provided in (1) below.

(1) The director shall have the authority to temporarily suspend any license prior to any hearing when in his/her opinion such action is necessary to protect the children in the foster family home from any physical or mental abuse or any other substantial threat to health or safety.

(2) When the director intends to temporarily suspend a license prior to a hearing, he/she shall notify the licensee of the temporary suspension and the effective date thereof, and shall concurrently serve the licensee with an accusation.

(C) The director shall, within 15 calendar days of receipt of notice of defense, request the Office of Administrative Hearings to set the matter for hearing.

(D) For a revocation and temporary suspension action, the director shall request the Office of Administrative Hearings to hold the hearing as soon as possible but not later than 30 calendar days after receipt of the Notice of Defense.

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NOTE: Authority cited: Sections 1530 and 1530.5, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

87043 LICENSEE/APPLICANT COMPLAINTS**87043**

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- (a) Each licensee/applicant shall have the right, without prejudice, to bring to the attention of the department or the licensing agency, or both, any alleged misapplication or capricious enforcement of regulations by any licensing representative, or any differences in opinion between the licensee and any licensing representative concerning the proper application of the regulations in this chapter.

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NOTE: Authority cited: Sections 1530 and 1530.5, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

87044 INSPECTION AUTHORITY OF THE DEPARTMENT OR LICENSING AGENCY**87044**

- (a) The department or licensing agency shall have the inspection authority specified in Health and Safety Code Sections 1533, 1534, and 1538.

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- (1) Health and Safety Code Section 1533 provides in part:

Any duly authorized officer, employee, or agent of the State Department of Social Services may, upon presentation of proper identification, enter and inspect any place providing personal care, supervision, and services at any time, to secure compliance with, or to prevent a violation of any provision of this chapter.

Foster family homes shall not be subject to inspection by the department or its officers without advance notice, except in response to a complaint, or unless an inspection is made within 120 days prior to license renewal. The unannounced visit shall be made only once during the 120-day period prior to license renewal, and shall not constitute the annual evaluation visit.

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**INSPECTION AUTHORITY OF THE DEPARTMENT OR LICENSING
AGENCY (Continued)**

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Inspection visits to foster family homes shall be made during normal business hours, unless the serious nature of a complaint requires otherwise.

"Normal business hours", as used in this section, means from 8 a.m. to 5 p.m., inclusive, of each day from Monday to Friday, inclusive, other than State holidays.

- (2) Section 1534 provides, in part:

Every licensed community care facility shall be periodically inspected and evaluated for quality of care by a representative or representatives designated by the director. Evaluations shall be conducted at least once per year and as often as necessary to ensure the quality of care being provided.

The state department shall notify the community care facility in writing of all deficiencies in its compliance with the provisions of this chapter and the rules and regulations adopted pursuant to this chapter, and shall set a reasonable length of time for compliance by the facility.

Reports on the results of each inspection, evaluation, or consultation shall be kept on file in the state department, and all inspection reports, consultation reports, lists of deficiencies, and plans of correction shall be open to public inspection in the county in which the facility is located.

- (3) Health and Safety Code Section 1538 provides in part:

- (A) Any person may request an inspection of any community care facility in accordance with the provisions of this chapter by transmitting to the state department notice of an alleged violation of applicable requirements prescribed by statutes or regulations of this state, including, but not limited to, a denial of access of any person authorized to enter such facility pursuant to Section 9701 of the Welfare and Institutions Code. A complaint may be made either orally or in writing.

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**87044 INSPECTION AUTHORITY OF THE DEPARTMENT OR LICENSING
AGENCY(Continued)****87044**

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- (B) The substance of the complaint shall be provided to the licensee no earlier than at the time of the inspection. Unless the complainant specifically requests otherwise, neither the substance of the complaint provided the licensee nor any copy of the complaint or any record published, released, or otherwise made available to the licensee shall disclose the name of any person mentioned in the complaint except the name of any duly authorized officer, employee, or agent of the state department conducting the investigation or inspection pursuant to this chapter.
- (C) Upon receipt of a complaint, other than a complaint alleging denial of a statutory right of access to a community care facility, the state department shall make a preliminary review and, unless the state department determines that the complaint is willfully intended to harass a licensee or is without any reasonable basis, it shall make an onsite inspection within 10 days after receiving the complaint except where a visit would adversely affect the licensing investigation or the investigation of other agencies. In either event, the complainant shall be promptly informed of the state department's proposed course of action.
- (D) Upon receipt of a complaint alleging denial of a statutory right of access to a community care facility, the state department shall review the complaint. The complainant shall be notified promptly of the state department's proposed course of action.

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- (b) The licensing agency shall have the authority to interview any child in the home, and to inspect and audit the children's or the home's records without prior consent.
- (1) The licensee shall make provisions for private interviews with any child and for the examination of all records relating to the operation of the home.

87044 INSPECTION AUTHORITY OF THE DEPARTMENT OR LICENSING AGENCY (Continued) 87044

- (c) The licensing agency shall have the authority to observe the physical condition of the child, including conditions which could indicate abuse, neglect, or inappropriate placement, and to have a licensed medical professional physically examine the child.

NOTE: Authority cited: Sections 1530 and 1530.5, Health and Safety Code. Reference: Sections 1501, 1531, 1533, 1534 and 1538, Health and Safety Code.

87045 EVALUATION VISITS 87045

- (a) Every home shall be evaluated as specified in Health and Safety Code Sections 1533 and 1534.

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- (1) Health and Safety Code Section 1533 provides in part:

Any duly authorized officer, employee or agent of the State Department of Social Services may, upon presentation of proper identification, enter and inspect any place providing personal care, supervision and services at any time, to secure compliance with, or to prevent a violation of any provision of this chapter.

Foster family homes shall not be subject to inspection by the department or its officers without advance notice, except in response to a complaint, or unless an inspection is made within 120 days prior to license renewal. The unannounced visit shall be made only once during the 120-day period prior to license renewal, and shall not constitute the annual evaluation visit.

Inspection visits to foster family homes shall be made during normal business hours, unless the serious nature of a complaint requires otherwise.

"Normal business hours", as used in this section, means from 8 a.m. to 5 p.m., inclusive, of each day from Monday to Friday, inclusive, other than State holidays.

HANDBOOK CONTINUES

87045 EVALUATION VISITS (Continued)

87045

HANDBOOK CONTINUES

- (2) Health and Safety Code Section 1534 provides:

Every licensed community care facility shall be periodically inspected and evaluated for quality of care by a representative or representatives designated by the director. Evaluations shall be conducted at least once per year and as often as necessary to ensure the quality of care being provided.

The state department shall notify the community care facility in writing of all deficiencies in its compliance with the provisions of this chapter and the rules and regulations adopted pursuant to this chapter, and shall set a reasonable length of time for compliance by the facility.

Reports on the results of each inspection, evaluation, or consultation shall be kept on file in the state department, and all inspection reports, consultation reports, lists of deficiencies, and plans of correction shall be open to public inspection in the county in which the facility is located.

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- (b) The licensing agency shall have the authority to make any number of additional visits to a facility in order to determine compliance with applicable law and regulation.
- (c) Repealed by Manual Letter No. CCL-97-09, effective 6/13/97.

NOTE: Authority cited: Sections 1530 and 1530.5, Health and Safety Code. Reference: Sections 1501, 1507.5, 1530.5, 1531, 1533, 1534 and 1538, Health and Safety Code.

Article 5. ENFORCEMENT PROVISIONS**87051 SERIOUS DEFICIENCIES****87051**

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- (a) The following are examples of regulations which, if not complied with, nearly always result in a serious deficiency.
- (1) Section 87010 relating to limitations on the capacity or ambulatory status of the children.
 - (2) Section 87010.1 relating to limitations on the capacity of specialized foster family homes.
 - (3) Section 87010.2 relating to dual licensure of specialized foster family homes.
 - (4) Section 87019 relating to criminal record clearance.
 - (5) Section 87020 relating to fire clearance.
 - (6) Section 87021 relating to water supply.
 - (7) Section 87065.1 relating to specialized in-home health care training and health screenings for staff in specialized foster family homes.
 - (8) Section 87072 relating to children's rights.
 - (9) Section 87073 relating to telephone service.
 - (10) Section 87075(k) relating to storing and dispensing medications.
 - (11) Section 87076 relating to food storage, preparation and service.
 - (12) Section 87087 relating to safety of children's accommodations.
 - (13) Section 87087.1 relating to safety of accommodations for children with special health care needs.

87051 SERIOUS DEFICIENCIES
(Continued)**87051**

- (14) Section 87088(a) - (a)(2) and (i) - (i)(1) relating to hot water temperature and toilet facilities.
- (15) Section 87088(j) relating to storage and disposal of solid wastes.
- (16) Any other regulation, the violation of which is deemed by the licensing agency to constitute a serious deficiency as defined in 87001s.(1).

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NOTE: Authority cited: Section 17730, Welfare and Institutions Code and Sections 1530 and 1530.5, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

87052 DEFICIENCIES IN COMPLIANCE**87052**

- (a) When an evaluator visits a home and determines that a deficiency exists, the evaluator shall issue a notice of deficiency, unless the deficiency is not serious and is corrected during the visit.
- (b) Prior to completion of a visit, the licensee, or other person in charge of the home shall meet with the evaluator to discuss any deficiencies noted, to jointly develop a plan for correcting each deficiency and to acknowledge receipt of the notice of deficiency.
- (c) The evaluator shall provide a notice of deficiency to the licensee by one of the following:
 - (1) Personal delivery to the licensee, at the completion of the visit.
 - (2) If the licensee is not at the home, leaving the notice with the person in charge, at the completion of the visit.
 - (A) Under such circumstances, a copy of the notice shall also be mailed to the licensee.
 - (3) If the licensee refuses to accept the notice or the notice cannot be completed during the visit, mailing the notice to the licensee.
- (d) The notice of deficiency shall be in writing and shall include the following:
 - (1) Citation of the statute or regulation which has been violated.

87052 DEFICIENCIES IN COMPLIANCE (Continued)**87052**

- (2) A description of the nature of the deficiency stating the manner in which the licensee failed to comply with a specified statute or regulation, and the particular place or area of the home in which it occurred.
- (3) The plan developed, as specified in (b) above, for correcting each deficiency.
- (4) A date by which each deficiency shall be corrected.
 - (A) In determining the date for correcting a deficiency, the evaluator shall consider the following factors:
 - 1. The potential hazard presented by the deficiency.
 - 2. The number of children affected.
 - 3. The availability of equipment or personnel necessary to correct the deficiency.
 - 4. The estimated time necessary for delivery, and for any installation, of necessary equipment.
 - (B) The date for correcting a deficiency shall not be more than 30 calendar days following service of the notice of deficiency, unless the evaluator determines that the deficiency cannot be completely corrected in 30 calendar days.
 - (C) If the date for correcting the deficiency is more than 30 calendar days following service of the notice of deficiency, the notice shall specify corrective actions which must be taken within 30 calendar days to begin correction.
 - (D) The evaluator shall have the authority to require correction of a deficiency within 24 hours or less if there is an immediate threat to the health or safety of the clients.
- (5) The address and telephone number of the licensing office responsible for reviewing notices of deficiencies for the area in which the home is located.

NOTE: Authority cited: Sections 1530 and 1530.5, Health and Safety Code. Reference: Section 1534, Health and Safety Code.

87053 FOLLOW-UP VISITS TO DETERMINE COMPLIANCE**87053**

- (a) A follow-up visit shall be conducted to determine compliance with the plan of correction specified in the notice of deficiency.

NOTE: Authority cited: Sections 1530 and 1530.5, Health and Safety Code. Reference: Sections 1534 and 1553, Health and Safety Code.

87055 UNLICENSED FACILITY PENALTIES**87055**

- (a) A penalty of \$200 per day shall be assessed for the operation of an unlicensed facility under either of the following conditions:
- (1) The operator has not submitted a completed application for licensure within 15 calendar days of issuance of the Notice of Operation in Violation of the Law pursuant to Section 87006, and continues to operate.
 - (A) For purposes of this section, an application shall be deemed completed if it includes the information required in Section 87018.
 - (B) The completed application shall be deemed to be submitted when received by the licensing agency.
 - (2) Unlicensed operation continues after denial of the initial application.
 - (A) Notwithstanding any appeal action, facility operation must cease within 10 calendar days of the mailing of the notice of denial or upon receipt of the denial notice by the operator, whichever occurs first.
- (b) The \$200 per day penalty shall be assessed for the continued operation of an unlicensed facility as follows:
- (1) On the 16th calendar day after the operator has been issued the Notice of Operation in Violation of Law, and has not submitted a completed application as required.
 - (A) The \$200 per day penalty shall continue until the operator ceases operation or submits a completed application pursuant to Sections 87055(a)(1)(A) and (B).

87055 UNLICENSED FACILITY PENALTIES (Continued)**87055**

- (2) Within 10 calendar days of the mailing of the notice of denial or upon receipt of the denial notice by the operator, whichever occurs first.
 - (A) The \$200 per day penalty shall continue until the operator ceases operation.
- (c) If the unlicensed operator or his/her representative reports to the licensing agency that unlicensed operation, as defined in Section 1503.5 of the Health and Safety Code has ceased, the penalty shall cease as of the day the licensing agency receives the notification.
 - (1) A site visit shall be made immediately or within five working days to verify that the unlicensed facility operation has ceased.
 - (2) Notwithstanding (c) above, if the unlicensed facility operation has not ceased, penalties shall continue to accrue without interruption from the date of initial penalty assessment.
- (d) All penalties shall be due and payable upon receipt of the Notice for Payment from the licensing agency, and shall be paid by check or money order made payable to the agency indicated in the notice.
- (e) The licensing agency shall have the authority to file a claim in a court of competent jurisdiction to take other appropriate action for failure to pay penalties as specified in (d) above.

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- (f) Payment of civil penalties or application for licensure in response to a citation under this section do not permit the operation of a community care facility without a license.
 - (1) Section 1508 of the Health and Safety Code provides in part:

No person, firm, partnership, association, or corporation within the state and no state or local public agency shall operate, establish, manage, conduct or maintain a community care facility in this state, without a current valid license therefore as provided in this Chapter.

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NOTE: Authority cited: Sections 1530 and 1530.5, Health and Safety Code. Reference: Sections 1503.5, 1508, 1520, 1533, 1540, 1540.1, 1541, 1547 and 1549, Health and Safety Code.

87056 UNLICENSED FACILITY ADMINISTRATIVE APPEAL**87056**

- (a) An unlicensed facility operator or his/her representative shall have the right to appeal the penalty assessment within 10 working days of the mailing of the penalty assessment.
 - (1) If the unlicensed facility operation has not ceased, the \$200 per day penalty shall continue to accrue during the appeal process.
- (b) The appeal review shall be conducted by a higher level staff person than the evaluator who issued the penalty.
- (c) If the reviewer of the appeal determines that the penalty assessment was not issued in accordance with applicable statutes and regulations of the Department, he/she shall have the authority to amend or dismiss the penalty assessment.

NOTE: Authority cited: Sections 1530 and 1530.5, Health and Safety Code. Reference: Sections 1503.5, 1508 and 1547, Health and Safety Code.

Article 6. CONTINUING REQUIREMENTS**87061 REPORTING REQUIREMENTS****87061**

- (a) Each licensee or applicant shall furnish to the licensing agency such reports as required by the department including but not limited to those specified in this section.
- (b) Upon the occurrence, during the operation of the facility, of any of the events specified in (1) below, a report shall be made to the licensing agency within the agency's next working day during its normal business hours. In addition, a written report containing the information specified in (2) below shall be submitted to the licensing agency within seven days following the occurrence of such event.
 - (1) Events reported shall include the following:
 - (A) Death of any child from any cause.
 - (B) Any injury to any child which requires medical treatment.
 - (C) Any unusual incident or child absence which threatens the physical or emotional health or safety of any child.
 - (D) Any suspected physical or psychological abuse of any child.
 - (E) Epidemic outbreaks.
 - (F) Poisonings.
 - (G) Catastrophes.
 - (H) Fires or explosions which occur in or on the premises.
 - (2) Information provided shall include the following:
 - (A) Child's name, age, sex, and date of admission.
 - (B) Date and nature of event.
 - (C) Attending physician's name, findings, and treatment, if any.
 - (D) Disposition of the case.

87061 REPORTING REQUIREMENTS (Continued)**87061**

- (c) The items below shall be reported to the licensing agency within 10 working days following the occurrence.
- (1) Any change in the licensee's or applicant's residence or mailing address.
 - (2) Any changes in the plan of operation which will affect the services to the children.
- (d) The items specified in (b)(1)(A) through (H) above shall also be reported to the child's authorized representative.
- (e) The items specified in (b)(1)(E) through (G) above shall also be reported to the local health officer when appropriate, pursuant to Title 17, California Administrative Code, Section 2500, 2502 and 2503.

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- (1) Section 2500, Title 17, California Code of Regulations requires:

It shall be the duty of every physician, practitioner, dentist, coroner, every superintendent or manager of a dispensary, hospital, clinic, or any other person knowing of or in attendance on a case or suspected case of any of the following diseases or conditions, to notify the local health authority immediately. A standard type report form has been adopted and is available for this purpose.

Amebiasis	Malaria
Anthrax	Measles (Rubeola)
Botulism	Meningitis, Viral
Brucellosis (Undulant Fever)	Meningococcal Infections
Chancroid	Mumps
Cholera	Paratyphoid Fever, A, B and C
Coccidioidomycosis	(see Salmonella infections)
Conjunctivitis, Acute	Pertussis (Whooping Cough)
Infectious of the Newborn	Plague
(Gonorrheal Ophthalmia,	Poliomyelitis, Paralytic
Ophthalmia Neonatorum,	Psittacosis
and Babies' Sore Eyes in	Q Fever
the first 21 days of life)	Rabies, Human or Animal
Dengue	Relapsing Fever
Diarrhea of the Newborn	Rheumatic Fever, Acute
Diphtheria	Rocky Mountain Spotted Fever

HANDBOOK CONTINUES

87061 REPORTING REQUIREMENTS (Continued)**87061****HANDBOOK CONTINUES**

Disorders Characterized by	Salmonella, Infectious
Lapses of Consciousness	(exclusive of typhoid fever)
Dysentery, Bacillary	Scarlet Fever
(see Shigella infections)	Shigella infections
Encephalitis, viral	Smallpox (Variola)
Food Poisoning (other	Streptococcal Infections,
than Botulism)	hemolytic (including Scarlet
German Measles (Rubella)	Fever, and Streptococcal
	Sore Throat)
Gonococcal Infections	Syphilis
Granuloma Inguinale	Tetanus
Hepatitis, Infectious (A)	Trachoma
Hepatitis, Serum (B)	Trichinosis
Hepatitis, unspecified	Tuberculosis
Hepatitis, Non-A, Non-B	Tularemia
Leprosy (Hansen's Disease)	Typhoid fever, cases and
	carriers
Leptospirosis (including Weil's	Typhus fever
Disease)	Viral Exanthem in Pregnant Women
Lymphogranuloma Venereum	Yellow fever
(Lymphogranuloma Inguinale)	

For outbreak reporting and reporting of occurrence of unusual and rare diseases see Sections 2502 and 2503.

- (2) Section 2502, Title 17, California Code of Regulations requires:

Any person having knowledge of any outbreak or undue prevalence of infectious or parasitic disease or infestation whether or not listed in Section 2500, shall promptly report the facts to the local health officer, who shall investigate the circumstances and if he finds that an epidemic or undue prevalence does in fact exist, he shall report the outbreak to the Director of the State Department of Health Services. The following are examples of diseases, outbreaks of which are to be so reported:

Epidemic Gastroenteritis	Influenza, Epidemic
(Other than food poisoning)	Pneumonia, Infectious
Epidemic Keratoconjunctivitis	Ringworm
Fevers of unknown etiology	Staphylococcus Infections
Infectious Mononucleosis	

HANDBOOK CONTINUES

87061 REPORTING REQUIREMENTS (Continued)**87061**

HANDBOOK CONTINUES

- (3) Section 2503, Title 17, California Code of Regulations requires:

Any person having knowledge of a case of an unusual disease not listed in Section 2500 shall promptly convey the facts to the local health officer. Examples are: glanders, herpangina, histoplasmosis, toxoplasmosis, echinococcosis, listeriosis, cat scratch fever, reckettsialpox.

HANDBOOK ENDS HERE

- (f) The item specified in (b)(1)(H) shall also be reported to the local fire authority. In areas not having organized fire services, a report shall be made to the State Fire Marshal within 24 hours.
- (g) When the licensee intends to be absent from the home for 48 hours or longer, the licensee shall notify the licensing agency and the child's authorized representative.
- (1) Notification shall be in writing, or by telephone and shall include:
- (A) Dates of intended absence.
 - (B) Whether the child will accompany the licensee or remain in the home.
 - (C) Telephone number where licensee may be contacted.
 - (D) Name, address, telephone number of substitute as specified in Section 87064(a)(2).
- (h) The licensee shall report all changes in household composition which would affect the services provided children to the licensing agency in writing or by telephone within ten working days. These changes shall include, but not be limited to:
- (1) Any additions to the licensee's family, including when the licensee becomes guardian or conservator for any child or other person.

87061 REPORTING REQUIREMENTS (Continued)**87061**

- (2) The arrival or departure of any person, other than the children, residing in the home.

NOTE: Authority cited: Sections 1530 and 1530.5, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

87064 LICENSEE DUTIES AND RESPONSIBILITIES**87064**

- (a) The licensee shall be regularly present in the home when children are in the home full time.
- (1) If all children are involved in out-of-home programs, such as school or day care, the licensee shall be permitted to be regularly absent from the home during those hours.
- (2) When the licensee is absent from the home while children are present, he/she shall provide for supervision of the children by a responsible adult unless otherwise agreed to in advance by the licensing agency.
- (b) The licensee shall be responsible for:
- (1) Participating with the child in activities.
- (2) Participating with agencies and other responsible persons in planning for the needs of the child.
- (3) Ensuring that the child is clean and providing the child with training in personal cleanliness and hygiene.
- (4) Protecting the child from home accidents.
- (5) Making provisions for the child to attend available community treatment or training programs when the child has needs which can be met by such programs.
- (6) Participating in activities which increase the licensee's own understanding of, and skill in, caring for children.
- (A) All licensees providing care to a ventilator-dependent child shall maintain documentation verifying completion of a hospital's discharge planning program developed for the care of that child.

87064 LICENSEE DUTIES AND RESPONSIBILITIES (Continued)**87064**

- (7) Providing for and meeting service needs of the child as identified in the needs and services plan required by Section 87068.2.
- (8) Assisting the child in the development of goals and encouraging him/her to reach those goals.
- (9) Supervising the provision of basic services within the home.
- (c) The licensee shall ensure supervision of children during the child's participation in or presence at potentially dangerous activities.
 - (1) An adult who has the ability to swim shall provide supervision at all times when children are using a pool or a body of water from which rescue requires the rescuer's ability to swim.

NOTE: Authority cited: Sections 1530 and 1530.5, Health and Safety Code. Reference: Sections 1501, 1507.5 and 1531, Health and Safety Code.

**87064.1 LICENSEE DUTIES AND RESPONSIBILITIES FOR FOSTER
FAMILY HOMES CARING FOR CHILDREN WITH SPECIAL
HEALTH CARE NEEDS****87064.1**

Repealed by Manual Letter No. CCL-97-09, effective 6/13/97.

87065 PERSONNEL REQUIREMENTS**87065**

- (a) The licensee shall provide competent household help, if needed, to provide the services necessary to meet the children's needs.
- (b) The licensing agency shall have the authority to require any licensee to provide additional household help whenever the agency determines that additional help is required for the provision of necessary services to children.
 - (1) The licensing agency shall specify in writing the reasons for its determination.
 - (2) The following factors shall be used in determining the need for additional staff:
 - (A) Needs of the particular children.
 - (B) Extent of the services provided by the home.
 - (C) Physical arrangements of the particular home.
- (c) The licensee shall be permitted to utilize volunteers provided that such volunteers are supervised, meet requirements consistent with their duties, and are not left in charge of the home at any time, except as specified in Section 87064(a)(2).
- (d) The licensee shall be in good health, and shall be physically, mentally, and occupationally capable of complying with these regulations.

87065 PERSONNEL REQUIREMENTS (Continued)**87065**

- (1) Good health shall be verified by a health screening, including a test for tuberculosis not more than one year old, and performed by or under the supervision of a physician.
- (2) The report, signed by the person performing the health screening, shall indicate the following:
 - (A) The presence of any health condition that would create a hazard to the licensee or children.
- (e) All other adults regularly in the home shall have a test for tuberculosis performed not more than one year prior to or seven days after initial presence in the facility.
- (f) Physician reports from general practitioners or specialists may be required after licensure if the licensing agency has reason to believe that the licensee's or staff member's physical and/or mental health is not adequate to carry out responsibilities specified in these regulations.
 - (1) The licensing agency shall provide the licensee a written explanation of the need for any additional report.
- (g) Personnel with evidence of physical illness that poses a threat to the health and safety of children shall be relieved of their duties.

NOTE: Authority cited: Sections 1530 and 1530.5, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

87065.1 PERSONNEL REQUIREMENTS FOR SPECIALIZED FOSTER FAMILY HOMES**87065.1**

- (a) In addition to Section 87065, the licensee and any other person who is providing in-home health care to a child with special health care needs shall comply with the following requirements:
 - (1) Prior to caring for a child with special health care needs or when the child's needs change, the in-home health care provider shall complete training in specialized in-home health care provided by a health care professional as required by the child's individualized health care plan, except when
 - (A) The in-home health care provider is a licensed health care professional; and

87065.1 PERSONNEL REQUIREMENTS FOR SPECIALIZED FOSTER FAMILY HOMES (Continued)**87065.1**

- (B) The child's individualized health care plan team determines that completion of specialized in-home health care training for the child is unnecessary on the basis of the in-home health care provider's medical qualifications and expertise.
- (b) Any person providing care to children in a specialized foster family home shall be in good health, and shall be physically, mentally, and occupationally capable of complying with these regulations.
 - (1) Good health shall be verified by a health screening, including a test for tuberculosis performed by or under the supervision of a physician not more than one year prior to or seven days after presence in the home.
 - (2) The report, signed by the person performing the health screening, shall indicate the following:
 - (A) Physical qualifications to perform the duties to be assigned.
 - (B) The presence of any health condition that would create a hazard to the licensee, children or staff.

NOTE: Authority cited: Section 17730, Welfare and Institutions Code and Section 1530, Health and Safety Code. Reference: Section 17731(c), Welfare and Institutions Code and Sections 1531 and 1562, Health and Safety Code.

87066 PERSONNEL RECORDS FOR SPECIALIZED FOSTER FAMILY HOMES**87066**

- (a) The licensee shall ensure that the personnel records of the licensee and all persons subject to the requirements of Section 87065.1(a) contain the following:
 - (1) For any training or additional training from which the licensee or other in-home health care provider is exempt:
 - (A) Documentation that the child's individualized health care plan team has determined that it is not necessary for the licensee or other in-home health care provider to complete the specialized in-home health care training or additional training.
 - 1. Documentation may be provided in different ways, including, but not limited to, a written statement from a member designated by the team that the team has been notified and has determined that the training or additional training is unnecessary.

87066 PERSONNEL RECORDS FOR SPECIALIZED FOSTER FAMILY HOMES (Continued)**87066**

- (B) A copy of a valid license or certificate indicating that he/she is a licensed health care professional.
 - (2) For any training or additional training from which the licensee or other in-home health care provider is not exempt:
 - (A) Documentation, by a health care professional providing the training, that he/she has successfully completed the specialized in-home health care training specified in Section 87065.1(a)(1).
- (b) The licensee of a foster family home caring for children with special health care needs shall ensure that employee records contain the following information:
 - (1) Employee's full name.
 - (2) Driver's License number if the employee is to transport foster children.
 - (3) Date of employment.
 - (4) A statement signed by the employee that he/she is at least 18 years of age.
 - (5) Home address and phone number.
 - (6) Past related experience, including types of employment and former employers.
 - (7) Duties of the employee.
 - (8) Termination date if no longer employed by the facility.
- (c) Records of health screenings and tests for tuberculosis required by Section 87065.1(b) and (b)(1) shall be on file.
- (d) All personnel records shall be maintained at the home and available to the licensing agency for review.
- (e) All personnel records shall be retained for at least three (3) years following termination of employment.

NOTE: Authority cited: Section 17730, Welfare and Institutions Code and Section 1530, Health and Safety Code. Reference: Section 17731, Welfare and Institutions Code and Section 1531, Health and Safety Code.

87068 ADMISSION AGREEMENTS 87068

- (a) The licensee shall complete and maintain current individual written admission agreements with each child's authorized representative.
- (b) Admission agreements shall specify the following:
 - (1) Basic services.
 - (2) Available optional services.
 - (3) Payment provisions including the following:
 - (A) Basic rate.
 - (B) Optional service rates.
 - (C) Payor.
 - (D) Due date.
 - (E) Frequency of payment.
 - (4) Modification conditions, including requirement for provision of at least 30 calendar days prior written notice to the child's authorized representative of any basic rate change.
 - (A) Agreements involving children whose care is funded at government-prescribed rates shall specify that the effective date of government rate changes shall be considered the effective date for basic service rate modifications and that no prior notice is necessary.
 - (5) Refund conditions.
 - (6) Right of the licensing agency to perform the duties authorized in Section 87044(b) and (c).
 - (7) Conditions under which the agreement may be terminated.
 - (8) The facility's policy concerning family visits and other communications with the child as specified in Health and Safety Code Section 1512.
 - (A) This policy shall be consistent with the child's services plan.

87068 ADMISSION AGREEMENTS (Continued)**87068**

- (c) Such agreements shall be dated and signed by the child's authorized representative and the licensee no later than seven days following admission.
- (d) Modifications to the original agreement shall be made whenever circumstances covered in the agreement change, and shall be dated and signed by the persons specified in (c) above.
- (e) The licensee shall retain the original copy of the agreement and shall provide copies to the child's authorized representative.
- (f) The licensee shall comply with all terms and conditions set forth in the admission agreement.

NOTE: Authority cited: Sections 1530 and 1530.5, Health and Safety Code. Reference: Sections 1501, 1512 and 1531, Health and Safety Code.

87068.1 ADMISSION PROCEDURES**87068.1**

- (a) The licensee shall develop, maintain and implement admission procedures which shall meet the requirements specified in this section.
- (b) Upon placement the licensee shall:
 - (1) Request the information specified in Section 87068.2.
 - (2) Obtain the information specified in Section 87070(b)(1) through (13).
 - (3) Complete, and have signed, an admission agreement as specified in Section 87068.
- (c) As soon as the information specified in (b)(1) above is available, the licensee shall review the information and determine;
 - (1) The licensee's ability to meet the individual needs of the child.
 - (2) The licensee's ability to continue meeting the needs of other children and the licensee's family.

87068.1 ADMISSION PROCEDURES (Continued)**87068.1**

(d) If it is determined after review that the home cannot meet the service needs of the child, the licensee shall:

- (1) Inform the child's authorized representative.
- (2) Request that the child be placed elsewhere.

NOTE: Authority cited: Sections 1530 and 1530.5, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

87068.2 NEEDS AND SERVICES PLAN**87068.2**

(a) At the time of placement, the licensee shall request for each child, a needs and services plan, which describes his/her service needs.

- (1) Such plan shall be requested from the child's authorized representative.

(b) The licensee shall use a form approved by the licensing agency for the needs and services plans.

(c) The needs and services plan shall contain at a minimum the following information:

- (1) Name.
- (2) Age.
- (3) Physical limitations.
- (4) History of infections or contagious diseases.
- (5) History of other medical, emotional, behavioral and physical problems.
- (6) Capability of the child to handle his/her own cash resources.
- (7) Current service needs related to (3), (4), (5), and (6) above.
- (8) Any applicable needs appraisal or individual program plans completed by a placement agency or consultant.

87068.2 NEEDS AND SERVICES PLAN (Continued)**87068.2**

- (9) Plan for providing services to meet the individual needs identified above.
 - (A) The licensee shall develop and comply with the plan to ensure that the in-home medical services required by a ventilator-dependent child are provided to meet the child's needs. The plan shall include the following:
 - (1) Name, address, and telephone number of the licensed home health agency involved as the provider of in-home medically related services.
 - (2) Number of in-home medical services hours per day required by the child.
 - (3) Schedule of in-home medical services hours provided by the licensed home health agency.
- (10) Signature of the person or representative of the agency providing the information.
- (d) If the licensee is not given the child's record with the above information at the time of placement, the licensee shall make telephone and/or written requests for the information to the child's authorized representative and shall record and retain the details of those requests.
 - (1) If the information is not received within 15 calendar days, the licensee shall obtain an assessment of current service needs from other sources.

NOTE: Authority cited: Sections 1530 and 1530.5, Health and Safety Code. Reference: Sections 1501, 1507.5 and 1531, Health and Safety Code.

87068.3 MODIFICATIONS TO NEEDS AND SERVICES PLAN**87068.3**

- (a) The written needs and services plan shall be updated at least annually and:
 - (1) As frequently as necessary to ensure accuracy and to document determination of a disability.
 - (2) As frequently as determined necessary by the child's authorized representative.

87068.3	MODIFICATIONS TO NEEDS AND SERVICES PLAN (Continued)	87068.3
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- (b) If modifications to the plan identify unmet needs the following requirements shall be met:
- (1) It shall be determined whether the licensee has the ability to meet the needs of the child.
 - (A) If it is determined that the identified needs can be met by the licensee, a written plan to meet the needs shall be developed and maintained in the home.
 - (B) If it is determined that the identified needs cannot be met by the licensee, the licensee shall give notice to the child's authorized representative to remove the child from the home.
 - (c) The licensee shall permit participation of the child's authorized representative in modification to the needs and services plan.
 - (1) Such participation shall be verified by his/her signature on the needs and services plan.

NOTE: Authority cited: Sections 1530 and 1530.5, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

87068.4	NEEDS AND SERVICES PLAN FOR FOSTER FAMILY HOMES CARING FOR CHILDREN WITH SPECIAL HEALTH CARE NEEDS	87068.4
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Repealed by Manual Letter No. CCL-97-09, effective 6/13/97.

87069 CHILDREN'S MEDICAL ASSESSMENTS**87069**

- (a) Prior to, or within 30 calendar days following the acceptance of a child, the licensee shall obtain a written medical assessment of the child.
 - (1) Such assessment shall be performed by, or under the supervision of, a licensed physician, and shall not be more than one year old when obtained.
- (b) The medical assessment shall provide the following:
 - (1) A record of any infectious or contagious diseases which would preclude care of the child by the facility.
 - (2) A test for tuberculosis.
 - (3) A record of immunizations and childhood diseases.

87069 CHILDREN'S MEDICAL ASSESSMENTS (Continued)**87069**

- (4) Identification of the child's special problems and needs.
- (5) Identification of any prescribed medications being taken by the child.
- (6) Ambulatory status.
- (c) The licensing agency shall have the authority to require the licensee to obtain a current written medical assessment, if such an assessment is necessary to verify the appropriateness of a child's placement.

NOTE: Authority cited: Sections 1530 and 1530.5, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

87069.1 INDIVIDUALIZED HEALTH CARE PLANS FOR SPECIALIZED FOSTER FAMILY HOMES**87069.1**

- (a) The licensee shall not accept a child with special health care needs unless the licensee has obtained an individualized health care plan for the child. The plan shall include the following information:
 - (1) The name, address, and phone number of the health care professional responsible for monitoring the child's ongoing health care.
 - (2) The appropriate number of hours of on-site supervision and monitoring, and the appropriate number of hours of off-site supervision and monitoring, needed to be provided by the monitor designated in Section 87069.1(a)(1), above.
 - (3) Documentation by the child's individualized health care plan team identifying the specialized in-home health care to be administered by a health care professional or responsible adult trained by a health care professional.
 - (4) Arrangements for in-home health support services if required.
 - (5) Specific responsibilities of the licensee for the provision of specialized in-home health care, including any required training and/or additional training.
 - (6) Identification of any available and funded medical services that are to be provided to the child in the home which may include, but is not limited to, assistance from health care professionals.

**87069.1 INDIVIDUALIZED HEALTH CARE PLANS FOR
SPECIALIZED FOSTER FAMILY HOMES (Continued)****87069.1**

- (7) Identification of any psychological, emotional, behavioral, or medical problems that will be identified in the child's needs and services plan or the medical assessment specified in Section 87069.
- (b) The individualized health care plan for each child with special health care needs shall be updated at least every six months or sooner if the needs of the child change.
- (c) For any child with special health care needs the hospital discharge plan may be adopted by the individualized health care plan team as the child's individualized health care plan.
- (d) The individualized health care plan may be combined with the child's needs and services plan or regional center individual program plan provided that all the information required by each plan is included.

NOTE: Authority cited: Section 17730, Welfare and Institutions Code and Section 1530, Health and Safety Code.
Reference: Section 17731(c), Welfare and Institutions Code.

87070 CHILDREN'S RECORDS**87070**

- (a) The licensee shall maintain a separate, complete, and current record in the facility for each child.
- (b) Each record shall contain information including but not limited to the following:
 - (1) Name of the child.
 - (2) Birthdate and a copy of the child's birth certificate if available.
 - (3) Date of placement in the home.
 - (4) Name, address and telephone number of the placement agency.
 - (5) Name, address and telephone number of the authorized representative.
 - (6) Name, address and telephone number of person to be contacted in an emergency when the child's authorized representative cannot be contacted.
 - (7) Written consent which authorizes the licensee to obtain other ordinary medical and dental care in an emergency if the authorized representative cannot be reached.

87070 CHILDREN'S RECORDS (Continued) 87070

- (8) Name, address and telephone number of the child's physician and dentist, and other medical and mental health providers if any.
 - (9) Medical assessment, including ambulatory status, specified in Section 87069.
 - (10) A record of current medications, if any; prescribing physician; and instructions, if any, regarding control and custody of medications.
 - (11) Name of all persons authorized to take the child from the home.
 - (12) Medical and dental history, if available, including immunization records and physician's orders for any medically necessary diet.
 - (13) Religious preference and the name and address of clergyman or religious adviser, if any.
 - (14) A copy of the child's needs and services plan and any modifications thereto specified in Section 87068.2 and 87068.3.
 - (15) A record of the continuing health needs and services received while the child is in the home, including but not limited to physical therapy and counseling.
 - (16) Admission agreement.
 - (17) An account of the child's case resources, personal property, and valuables entrusted as specified in Section 87026.
- (c) All information and records obtained from or regarding children shall be confidential.
- (1) The licensee shall be responsible for safeguarding the confidentiality of record contents.
 - (2) Except as specified in (d) below, or as otherwise authorized by law, the licensee shall not reveal or make available confidential information.
- (d) All children's records shall be subject to reproduction by the licensing agency upon demand during normal business hours.
- (1) A child's records shall also be open to inspection by the child's authorized representative.

87070 CHILDREN'S RECORDS (Continued) 87070

- (e) The original or photographic reproductions of the child's records shall be given to the placement agency or the child's authorized representative when the child moves from the home.
- (f) The original or photographic reproduction of each child's records shall be retained for a minimum of three years following termination of service to the child.

NOTE: Authority cited: Sections 1530 and 1530.5, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

87070.1 ADDITIONAL CHILDREN'S RECORDS FOR SPECIALIZED FOSTER FAMILY HOMES**87070.1**

- (a) In addition to Section 87070, the licensee shall ensure that records for each child with special health care needs contain the following:
 - (1) Documentation that the child has been adjudged a dependent of the court under Section 300 of the Welfare and Institutions Code or has not been adjudged a dependent of the court pursuant to Section 300 but is in the custody of the county welfare department, or has a developmental disability and is receiving services and case management from a regional center.
 - (2) A copy of the child's individualized health care plan as specified in Section 87069.1.
 - (3) A copy of the written reassessment of the child's individualized health care plan as specified in Section 87069.1(b).
- (b) The licensee of a specialized foster family home not exceeding the two-child capacity limit shall ensure that each child's needs and services plan contains the following information in addition to the information required in Sections 87068.2 and 87068.3:
 - (1) Documentation by the child's county social worker, regional center caseworker or authorized representative that the needs of the child can be met by the facility.
 - (A) New documentation shall be obtained for all children and placed in the respective needs and services plans each time there is an increase or turnover in children and the home meets the conditions described in above Section 87070.1(b).

**87070.1 ADDITIONAL CHILDREN'S RECORDS FOR SPECIALIZED
FOSTER FAMILY HOMES (Continued)****87070.1**

(c) If a third child is placed in a specialized foster family home, the licensee shall ensure that:

- (1) The needs and services plan for the third child documents the determination specified in Section 87010.1(a)(1)(A).
- (2) The needs and services plan for each child in the home documents the determinations specified in Sections 87010.1(a)(1)(B) and (B)1.
- (3) The individualized health care plan for each child with special health care needs documents the determinations specified in Sections 87010.1(a)(1)(C) and (C)1.
 - (A) Documentation may be provided in different ways, including, but not limited to, a written statement from a member designated by the team that the team has been notified and has determined that the two-child limit may be exceeded.

NOTE: Authority cited: Section 17730, Welfare and Institutions Code and Section 1530, Health and Safety Code. Reference: Sections 17710, 17731, and 17732(a), Welfare and Institutions Code and Section 1531, Health and Safety Code.

87072 PERSONAL RIGHTS**87072**

(a) Each child shall have personal rights which include but are not limited to the following:

- (1) To be accorded dignity in his/her personal relationships with other persons in the home.
- (2) To be accorded safe, healthful and comfortable accommodations, furnishings and equipment that are appropriate to his/her needs.
- (3) To be free from corporal or unusual punishment, infliction of pain, humiliation, intimidation, ridicule, coercion, threat, mental abuse, or other actions of a punitive nature including but not limited to interference with the daily living functions of eating, sleeping, or toileting, or withholding of shelter, clothing, or aids to physical functioning.
- (4) To be informed, and to have his/her authorized representative informed, by the licensee of the provisions of law regarding complaints, including but not limited to the address and telephone number of the complaint, receiving unit of the licensing agency and of information regarding the confidential registration of complaints.
- (5) To be free to attend religious services or activities of his/her choice and to have visits from the spiritual advisor of his/her choice.

87072 PERSONAL RIGHTS (Continued)**87072**

- (6) Not to be locked in any room, building or facility premises by day or night.
 - (A) The licensee shall not be prohibited by this provision from locking exterior doors and windows or from establishing house rules for the protection of the children so long as the children can exit from the home.
 - (B) The licensee shall be permitted to utilize means other than those specified in (A) above for securing exterior doors and windows only with prior approval of the licensing agency.
- (7) Not to be placed in any restraining device. Postural supports may be used if they are approved in advance by the licensing agency as specified in (A) through (F) below.
 - (A) Postural supports shall be limited to appliances or devices including braces, spring release trays, or soft ties, used to achieve proper body position and balance, to improve a child's mobility and independent functioning, or to position rather than restrict movement including, but not limited to, preventing a child from falling out of bed, a chair, etc.
 - 1. Physician-prescribed orthopedic devices such as braces or casts used for support of a weakened body part or correction of body parts are considered postural supports.
 - (B) All requests to use postural supports shall be in writing and include a written order of a physician indicating the need for such supports. The licensing agency shall be authorized to require other additional documentation in order to evaluate the request.
 - (C) Approved postural supports shall be fastened or tied in a manner which permits quick release by the child.
 - (D) The licensing agency shall approve the use of postural supports only after the appropriate fire clearance, as required by Section 87020, has been secured.
 - (E) The licensing agency shall have the authority to grant conditional and/or limited approvals to use postural supports.

87072 PERSONAL RIGHTS (Continued)**87072**

- (F) Under no circumstances shall postural supports include tying, depriving, or limiting the use of a child's hands or feet.
1. A bed rail that extends from the head half the length of the bed and used only for assistance with mobility shall be allowed with prior licensing approval. Bed rails that extend the entire length of the bed are prohibited.
- (G) Protective devices including, but not limited to, helmets, elbow guards, and mittens which do not prohibit a child's mobility but rather protect the child from self-injurious behavior are not to be considered restraining devices for the purpose of this regulation. Protective devices may be used if they are approved in advance by the licensing agency as specified below.
1. All requests to use protective devices shall be in writing and include a written order of a physician indicating the need for such devices. The licensing agency shall be authorized to require additional documentation including, but not limited to, the Individual Program Plan (IPP) as specified in Welfare and Institutions Code Section 4646, and the written consent of the authorized representative, in order to evaluate the request.
 2. The licensing agency shall have the authority to grant conditional and/or limited approvals to use protective devices.
- (8) To be free of the administration of medication or chemical substances not authorized by a physician.
- (9) To be informed of the facility's policy concerning family visits and other communication with the child as specified in Health and Safety Code Section 1512.

87072 PERSONAL RIGHTS (Continued)**87072**

- (10) To have visitors as specified below by mutual agreement between the licensee and the visitors, provided the rights of others are not infringed upon:
 - (A) Relatives, during waking hours, unless prohibited by court order or by the child's authorized representative.
 - (B) Authorized representative.
 - (C) Other visitors unless prohibited by court order or by the child's authorized representative.
- (11) To wear his/her own clothes.
- (12) To possess and control his/her own cash resources, unless otherwise agreed to in the child's needs and services plan and by the child's authorized representative.
- (13) To possess and use his/her own personal possessions, including toilet articles.
- (14) To have access to individual storage space for his/her private use.
- (15) To have access to telephones, both to make and receive confidential calls, provided that such calls are not prohibited by court order or by the child's authorized representative, or are not prohibited as a form of discipline. However, such use shall not infringe upon the rights of others, nor tie up the telephone during emergencies.
 - (A) The licensee shall be permitted to require reimbursement for long distance calls from the child or his/her authorized representative.
 - (B) The licensee shall be permitted to prohibit the making of long distance calls upon documentation that requested reimbursement for previous long distance calls has not been received.
 - (C) Calls permitted to be prohibited as a form of discipline shall not include calls to the child's authorized representative, placement agency, or parent(s).

87072 PERSONAL RIGHTS (Continued)**87072**

- (16) To have access to letter writing material and to send and receive unopened correspondence unless prohibited by court order or by the child's authorized representative.
- (b) The licensee shall ensure that each child is accorded the personal rights specified in this section.
- (c) Each child, and his/her authorized representative, shall be personally advised and given at admission a copy of the rights specified in (a)(1) through (16) above.

NOTE: Authority cited: Sections 1530 and 1530.5, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

87072.1 DISCIPLINE**87072.1**

- (a) Any form of discipline which violates a child's personal rights as specified in Section 87072 shall be prohibited.

NOTE: Authority cited: Sections 1530 and 1530.5, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

87072.2 PERSONAL RIGHTS FOR CHILDREN WITH SPECIAL HEALTH CARE NEEDS**87072.2**

- (a) Except as specified in this section, Section 87072(a)(8) shall not apply to children with special health care needs.
- (b) In addition to Section 87072, but notwithstanding Section 87072(a)(7), a child with special health care needs has the right to be free from any restraining/postural support device imposed for purposes of discipline or convenience, and not required to treat the child's specific medical symptoms.
- (1) Physical restraining devices may be used for the protection of a child with special health care needs during treatment and diagnostic procedures such as, but not limited to, intravenous therapy or catheterization procedures. The restraining device, which shall not have a locking device, shall be applied for no longer than the time required to complete the treatment and shall be applied in conformance with the child's individualized health care plan. The child's individualized health care plan shall include all of the following:
- (A) The specific medical symptom(s) that require use of the restraining device.

87072.2 PERSONAL RIGHTS FOR CHILDREN WITH SPECIAL HEALTH CARE NEEDS (Continued)**87072.2**

- (B) An evaluation of less restrictive therapeutic interventions and the reason(s) for ruling out these other practices as ineffective.
 - (C) A written order by the child's physician. The order must specify the duration and circumstances under which the restraining device is to be used.
- (2) Postural supports as specified in Sections 80072(a)(8)(A) and (A)1., half-bedrails, and protective devices as specified in Section 80072(a)(8)(G), may be used if prescribed in the individualized health care plan. The use of a postural support or protective device and the method of application shall be specified in the child's individualized health care plan and approved in writing by the child's physician.

NOTE: Authority cited: Section 17730, Welfare and Institutions Code and Section 1530, Health and Safety Code. Reference: Section 17730 and 17736, Welfare and Institutions Code.

87073 TELEPHONES**87073**

All foster family homes shall have telephone service.

NOTE: Authority cited: Sections 1530 and 1530.5, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

87074 TRANSPORTATION**87074**

- (a) Only drivers licensed for the type of vehicle operated shall be permitted to transport children.
- (b) The manufacturer's rated seating capacity of vehicles shall not be exceeded.
- (c) Motor vehicles provided by the licensee shall be maintained in a safe operating condition.

87074 TRANSPORTATION (Continued)**87074**

- (d) When transporting children in a private motor vehicle, the licensee shall secure the children as specified below:
- (1) Infants shall be secured in a car seat designed for infants.
 - (2) All children between two and four years of age and all children who weigh less than 40 pounds, or who have disabilities which prevent them from sitting unassisted, shall be secured in a car seat or harness designed for such children.
 - (3) Children over four years of age and who weigh over 40 pounds who are able to sit unassisted shall be secured in the vehicle's regular seat belt/harness.

NOTE: Authority cited: Sections 1530 and 1530.5, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

87075 HEALTH RELATED SERVICES**87075**

- (a) The licensee shall make arrangements for the care of a child who is injured or becomes ill, including isolation, if necessary, and provisions for first aid and emergency medical or dental care.
- (b) When a child shows signs of serious illness or injury, the licensee shall have the nature of the illness or injury determined by a physician as quickly as possible.
- (c) Whenever a child is exposed to a serious communicable disease, or has any illness or injury which requires medical treatment or for which the cause is unknown, the licensee shall ensure that the child's immediate medical needs are met.
 - (1) The licensee shall maintain current documentation to ensure that the amount of in-home medical services provided to a ventilator-dependent child is sufficient to meet that child's medical needs.
 - (2) As soon as the child's immediate needs are met the licensee shall notify the child's authorized representative.

87075 HEALTH RELATED SERVICES (Continued)**87075**

- (d) The licensee shall assist children with self-administered medications as needed.
- (1) The licensee, unless authorized by law, shall not administer injections but shall be authorized to assist children with self-administration of injections as needed.
- (e) If a child is unable to determine and/or communicate his/her need for a prescription or nonprescription PRN medication, the licensee may assist the child without contacting the child's physician prior to each dose provided that all of the following requirements are met:
- (1) The child's physician has recommended or prescribed the PRN medication and provided instructions for use in at least the level of detail specified in Section 87075(f).
- (2) The date, time, and content of the physician contact required in Section 87075(e)(1) shall be documented and maintained in the child's file.
- (3) The date and time each PRN medication dosage was taken, the exact symptoms for which it was given, the dosage taken and the child's response shall be documented and maintained in the child's record.
- (4) The medication is given according to the physician's directions.
- (f) For every prescription and nonprescription PRN medication for which the licensee provides assistance, there shall be a signed, dated written order from a physician on a prescription blank, maintained in the child's file, and a label on the medication. Both the physician's order and the label shall contain at least all of the following information.
- (1) The name of the child.
- (2) The name of the medication.
- (3) The specific symptoms which indicate the need for the use of the medication.
- (4) The exact dosage.
- (5) The minimum number of hours between doses.
- (6) The maximum number of doses allowed in each 24-hour period.

87075 HEALTH RELATED SERVICES (Continued)**87075**

- (7) In addition to the information listed in Sections 87075(f)(1) through (6), the physician's order shall include:
- (A) Instructions regarding the time or circumstance (if any) when it should be discontinued.
 - (B) An indication of when the physician should be contacted for a medication reevaluation.
- (g) Any time a child is in the home, at least one of the persons providing direct care and supervision to the child shall have received current training in first aid and CPR. Training shall be obtained from an agency offering such training including, but not limited to, the American Red Cross, and shall be appropriate to the child's age and needs.
- (1) The licensee shall maintain copies of unexpired first aid and CPR certificates documenting the training required.
 - (2) Any adult providing direct care and supervision at any time to a ventilator-dependent child shall maintain documentation verifying current training received in first aid and CPR from agencies offering such training including, but not limited to, the American Red Cross.
- (h) The home shall maintain first aid supplies readily available in a central location in the home.
- (1) If the supplies consist of a preassembled kit, the kit shall be a general type approved by the American Red Cross, or the supplies shall include at least the following:
 - (A) A current edition of a first aid manual approved by the American Red Cross, the American Medical Association or a state or federal health agency.
 - (B) Sterile first aid dressings.
 - (C) Bandages or roller bandages.
 - (D) Adhesive tape.
 - (E) Scissors.
 - (F) Tweezers.
 - (G) Thermometers.
 - (H) Antiseptic solution.

87075 HEALTH RELATED SERVICES (Continued)**87075**

- (i) When providing family health care, the licensee shall ensure that the child's physician or designated registered nurse has assigned the specific task(s) and has provided adequate practical and written instruction.
 - (1) The date, time and content of all contacts with the physician or nurse shall be documented and maintained in the child's file.
- (j) There shall be at least one person capable of and responsible for communicating with emergency personnel in the home at all times. The following information shall be readily available:
 - (1) The name, address and telephone number of each child's physician and dentist.
 - (2) The name, address and telephone number of each emergency agency, including but not limited to the fire department, crisis center or paramedical unit. There shall be at least one medical resource available at all times.
 - (3) The name and telephone number of an ambulance service.
- (k) When a child requires a ventilation or prosthetic device, vision aid or hearing aid, the licensee shall be familiar with the use of these devices and aids, and shall assist the child with their utilization as needed.
 - (1) The licensee shall maintain documentation verifying that in-home medical services required by a ventilator-dependent child are evaluated by a registered nurse employed by a licensed in-home health agency.
 - (2) The licensee shall maintain documentation verifying that the attending nurse providing nursing services to a ventilator-dependent child has successfully completed the hospital's discharge planning program developed for that specific child.
- (l) The licensee shall centrally store medications under the following circumstances:
 - (1) The preservation of medicines requires refrigeration.
 - (2) Any medication is determined by the physician to be hazardous if kept in the personal possession of the child for whom it was prescribed.
 - (3) Because of physical arrangements and the condition or the habits of persons in the home, the medications are determined by either the licensee or by the licensing agency to be a safety hazard.

87075 HEALTH RELATED SERVICES (Continued)**87075**

(m) The following requirements shall apply to medications which are centrally stored:

- (1) Medicines shall be kept in a safe and locked place that is not accessible to persons other than those responsible for the supervision of the medication.
- (2) Each container shall carry all of the information specified in (7)(A) through (G) below.
- (3) All medications shall be labeled and maintained in compliance with label instructions and state and federal laws.
- (4) No person other than the dispensing pharmacist shall alter a prescription label.
- (5) Each child's medication shall be stored in its originally received container.
- (6) No medications shall be transferred between containers.
- (7) The licensee shall ensure the maintenance, for each child, of a record of prescription medications which is retained for at least one year and includes the following:
 - (A) The name of the child for whom prescribed.
 - (B) The name of the prescribing physician.
 - (C) The drug name, strength and quantity.
 - (D) The date filled.
 - (E) The prescription number and the name of the issuing pharmacy.

87075	HEALTH RELATED SERVICES (Continued)	87075
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- (F) Expiration date.
 - (G) Number of refills.
 - (H) Instructions, if any, regarding control and custody of the medication.
- (n) The licensee shall destroy prescription medications which are not taken with the child upon termination of services, or which are for any other reason not to be retained.

NOTE: Authority cited: Sections 1530 and 1530.5, Health and Safety Code. Reference: Sections 1501, 1507, 1507.5, 1530.6 and 1531, Health and Safety Code; and Business and Professions Code Section 2727(a).

87075.1	HEALTH RELATED SERVICES FOR FOSTER FAMILY HOMES CARING FOR CHILDREN WITH SPECIAL HEALTH CARE NEEDS	87075.1
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Repealed by Manual Letter No. CCL-97-09, effective 6/13/97.

87076 FOOD SERVICE**87076**

- (a) The licensee shall provide at least three meals per day for the children and shall meet the following requirements:
- (1) The meals shall be of the quality and in the quantity necessary to meet the needs of the children. Each meal shall meet at least one-third the services recommended the USDA Basic Food Group Plan - Daily Food Guide for the age group served. All food shall be selected, stored, prepared and served in a safe and healthful manner.
- (A) If a child is out of the home during a normal mealtime, the licensee shall ensure that alternate arrangements are made for the child to receive a meal.

HANDBOOK BEGINS HERE

- (B) Whenever children in placement eat at the home it is expected that they will have their meals with family members.

HANDBOOK CONTINUES

87076 FOOD SERVICE (Continued)

87076

HANDBOOK CONTINUES

(C) USDA BASIC FOOD GROUP PLAN DAILY FOOD GUIDE

FOODS TO INCLUDE DAILY	SERVING SIZE	RECOMMENDED NUMBER OF SERVINGS FOR EACH AGE GROUP					
		PRE- SCHOOL CHILD	SCHOOL- AGE CHILD	TEEN- AGER	ADULT	PREG- NANT NURS- ING	OLDER ADULT
MILK & MILK PRODUCTS							
Milk	8 oz.						
Yogurt	8 oz.						
Cheese	2 oz.	2	2 - 3	3 - 4	2	3 or	2
Cottage	1 & 1/2 C.			or more		more	
Ice Cream	2 C.						
Tofu	8 oz.						
MEAT & ALTERNATES							
Beef, pork, lamb, fowl, fish small serv.	3 oz. 1&1/2 oz.						
Alternates for Meat	Eq. to 2-3 oz.	2 sm.	1 -2	2 - 3 or more	2	2 or more	2
Beans, peas, and lentils	1-1&1/2 C.						
Peanut butter	4-6 Tbsp.						
Eggs	2-3						
Cheese	2-3 oz.						
Cottage	1/2-3/4 C.						
Canned fish	1/2-3/4 C.						
Nuts	2/3-1 C.						
Tofu	6-9 oz.						
Wheat germ	1/2-3/4 C.						
Sunflower, pumpkin, sesame seeds	1/2-3/4 C.						
Deep Green and/or Yellow Vegetables	1/2 C		1	1 or	1	1 or	1
Small serving	1/4-1/3 C	1 sm.		more		more	

HANDBOOK CONTINUES

87076 FOOD SERVICE (Continued)

87076

HANDBOOK CONTINUES

FOODS TO INCLUDE DAILY	SERVING SIZE	RECOMMENDED NUMBER OF SERVINGS FOR EACH AGE GROUP					
		PRE- SCHOOL CHILD	SCHOOL- AGE CHILD	TEEN- AGER	ADULT	PREG- NANT NURS- ING	OLDER ADULT
Other Vegetables, Juices and Fruits Small serving	1/2 C 1/4-1/3 C	2 Sm	2	2 or more	2	2 or more	2
High Vitamin C Fruits and/or Juices, Sm. serv.	1/2 C 1/4-1/3 C	1 Sm	1	1 or more	1	1 or more	1
Breads & Cereals (whole gr. or enriched) bread	1 slice						
Dry Cereal	3/4 C						
Cooked cereal, rice, noodles crackers	1/2 C 4	4 Sm	3-4	4 or more	4	4 or more	3-4
tortilla small serv = 1/2 of the serv sizes for breads & cereals	1 med						
OTHER FOODS: Inc. fats, sweets, desserts, etc.			AS APPROPRIATE TO ENERGY NEEDS				
FLUIDS: Inc. water			AS APPROPRIATE TO NEEDS				
MISCELLANEOUS: Iodized salt, fiber vitamin supplement, etc.			AS APPROPRIATE TO NEEDS				

* Count cheese as one serving of milk or meat, not both.

Adapted from the OREGON DIET MANUAL, fifth edition, 1975, State of Oregon Department of Human Resources.

HANDBOOK ENDS HERE

87076 FOOD SERVICE (Continued)**87076**

- (2) Not more than 15 hours shall elapse between the third meal of one day and first meal of the following day.
- (3) There shall always be fresh perishable and nonperishable food in the home in a quantity to meet the needs of the next three meals and the between meals snacks.
- (4) Between meal nourishment or snacks shall be provided to all children as needed.
- (5) If the licensee has been informed, or has observed, that the child has an allergy to any food, the licensee shall not serve such food to the child.
 - (A) If there is doubt about whether a child has an allergy, the licensee shall seek medical verification.
- (6) Modified diets prescribed by a child's physician as a medical necessity shall be provided.
 - (A) The licensee shall obtain and follow instructions from the physician or dietician on the preparation of the modified diet.
- (7) All foods shall be of good quality. Commercial foods shall be approved by appropriate federal, state and local authorities. All foods shall be kept free of contamination. Food in damaged containers shall not be accepted, used or retained.
- (8) Where indicated, food shall be cut, chopped or ground to meet individual needs.
- (9) Powdered milk shall not be used as a beverage but shall be allowed in cooking and baking. Raw milk as defined in Division 15 of the California Food and Agricultural Code shall not be used. Milk shall be pasteurized.
- (10) Except when written approval by the licensing agency, meat, poultry and meat food products shall be inspected by state or federal authorities. Written evidence of such inspection shall be available for all products not obtained from commercial markets.

87076 FOOD SERVICE (Continued)**87076**

- (11) All foods or beverages capable of supporting rapid and progressive growth of micro-organisms which can cause food infections or food intoxications shall be stored in covered containers at 45 degrees F (7.2 degrees C) or less.
- (12) Pesticides and other toxic substances shall not be stored in food storerooms, kitchen areas, or areas where kitchen equipment or utensils are stored.
- (13) Soaps, detergents, cleaning compounds or similar substances shall be stored in areas separate from food supplies.
- (14) All kitchen areas shall be kept clean, free of litter and rubbish, and measures shall be taken to keep all such areas free of rodents, insects and other vermin.
- (15) All food shall be protected against contamination. Contaminated food shall be discarded immediately.
- (16) All equipment, fixed or mobile, and dishes and utensils, shall be kept clean and maintained in a safe condition.
- (17) All dishes and utensils used for eating and drinking and in the preparation of food and drink, shall be cleaned and sanitized after each usage.
 - (A) In homes using mechanical dishwashers, the dishwasher shall reach a temperature of 165 degrees F (74 degrees C) during the washing and/or drying cycle to ensure that dishes and utensils are cleaned and sanitized.
 - (B) In homes not using mechanical dishwashers, dishes and utensils shall be cleaned and sanitized by an alternative comparable method.
- (18) Equipment of appropriate size and type shall be provided for the storage, preparation and service of food and shall be well-maintained.
- (19) Tableware and tables, dishes, and utensils shall be provided in the quantity necessary to serve the children.

87076 FOOD SERVICE (Continued)**87076**

- (20) Adaptive devices shall be provided for self-help in eating as needed by children.
- (b) The licensing agency shall have the authority to require the home to provide written information, including menus, regarding the foods purchased and used over a given period when it is necessary to determine if the licensee is in compliance with the food services requirements in these regulations.
- (1) The licensing agency shall specify in writing what written information is required from the licensee.
- (c) Infants younger than seven months shall be held during bottle feeding.

NOTE: Authority cited: Sections 1530 and 1530.5, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

87078 RESPONSIBILITY FOR PROVIDING CARE AND SUPERVISION**87078**

- (a) The licensee shall provide care and supervision as necessary to meet each child's needs.
- (b) The licensee shall provide those services identified in each child's needs and services plan and in the individualized health care plan for each child with special health care needs as necessary to meet the child's needs.
- (c) The licensee is responsible for ensuring care and supervision of the child(ren) of any minor parent in placement.
- (1) Direct care and supervision of the child(ren) of a minor parent is to be provided during the hours that the minor parent is unavailable or unable to provide such care and supervision.

NOTE: Authority cited: Section 17730, Welfare and Institutions Code and Section 1530, Health and Safety Code. Reference: Sections 11465 and 17731, Welfare and Institutions Code and Sections 1501 and 1531, Health and Safety Code.

87079 ACTIVITIES**87079**

- (a) The licensee shall provide opportunity for, and encourage participation in, activities, including but not limited to the following:
- (1) Activities that require group interaction.

87079 ACTIVITIES (Continued)**87079**

- (2) Physical activities including but not limited to games, sports, and exercise.
 - (3) Leisure time for the children and participation with other members of the licensee's family in leisure time activities.
 - (4) Education through enrollment in public, private or special schools and assistance with school work.
 - (5) Learning of daily living skills, including but not limited to bathing, dressing, grooming, manners, shopping, cooking, money management, and use of public transportation.
- (b) The child shall not be required to perform duties which interfere with school, training, treatment programs or family visits.

NOTE: Authority cited: Sections 1530 and 1530.5, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

Article 7. PHYSICAL ENVIRONMENT**87086 ALTERATIONS TO EXISTING FOSTER FAMILY HOMES****87086**

- (a) The licensing agency shall have the authority to require that the licensee have a building inspection by a local building inspector if the agency suspects that a hazard to health and safety exists.

HANDBOOK BEGINS HERE

- (b) Prior to construction or alterations, state and local law requires that the licensee shall secure a building permit.

HANDBOOK ENDS HERE

NOTE: Authority cited: Sections 1530 and 1530.5, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

87087 BUILDINGS AND GROUNDS**87087**

- (a) The licensee shall provide bedrooms in the home which shall meet, at a minimum, the following requirements:
- (1) No more than two children shall share a bedroom.
 - (2) Children of the opposite sex shall not share a bedroom unless each child is under five years of age.
 - (3) No room commonly used for other purposes shall be used as a bedroom.
 - (A) Such rooms shall include but not be limited to halls, stairways, unfinished attics or basements, garages, storage areas and sheds or similar detached buildings.
 - (4) No bedroom shall be used as a public or general passageway to another room.
 - (5) Except for infants, children shall not share a bedroom with an adult.
 - (A) In bedrooms shared by adults and infants, no more than one infant and no more than two adults shall share the room.

87087 BUILDINGS AND GROUNDS (Continued)**87087**

- (B) If two children have been sharing a bedroom and one of them turns 18, they may continue to share the bedroom as long as they remain compatible and the licensing agency has granted an exception pursuant to Section 87024.
- (6) Sections 87087(a)(1) through (a)(5) apply to all bedrooms used by all children residing in the facility, including children who are members of the licensee's family, guardianship children, and children in placement.
- (7) Sections 87087(a)(3) and (a)(4) apply to all bedrooms used by the licensee(s) and all other adults residing in the facility.
- (b) The home shall be clean, safe, sanitary and in good repair at all times for the safety and well-being of the children.
- (1) The licensee shall take measures to keep the home reasonably free of flies and other insects.
- (c) All outdoor and indoor passageways, and stairways, inclines, ramps, open porches and other areas or potential hazard shall be kept free of obstruction.
- (d) All homes shall ensure the inaccessibility of pools, including swimming pools (in-ground and above-ground), fixed-in-place wading pools, hot tubs, spas, fish ponds, and similar bodies of water through a pool cover or by surrounding the pool with a fence.
- (1) Fences shall be at least five feet high and shall be constructed so that the fence does not obscure the pool from view. The bottom and sides of the fence shall comply with Division 1, Appendix Chapter 4 of the 1994 Uniform Building Code. In addition to meeting all of the aforementioned requirements for fences, gates shall swing away from the pool, self-close and have a self-latching device located no more than six inches from the top of the gate. Pool covers shall be strong enough to completely support the weight of an adult and shall be placed on the pool and locked while the pool is not in use.
- (A) If licensed prior to June 1, 1995, facilities with existing pool fencing shall be exempt from the fence requirements specified in Section 87087(d)(1) until such fence is replaced or structurally altered. When the licensee replaces or alters the fence, it shall be required to meet the fence requirements specified in Section 87087(d)(1).
- (2) Where an above-ground pool structure is used as the fence or where the fence is mounted on top of the pool structure, the pool shall be made inaccessible when not in use by removing or making the ladder inaccessible or erecting a barricade to prevent access to decking. If a barricade is used, the barricade shall meet the requirements of Section 87087(d)(1).

87087 BUILDINGS AND GROUNDS (Continued)**87087**

- (e) All in-ground pools, and above-ground pools which cannot be emptied after each use, shall have an operative pump and filtering system.
- (f) The licensee who accepts a child with a disability shall make necessary specific provisions including but not limited to changes to the buildings and grounds as required to protect and assist the child and maximize the child's potential for self-help.

NOTE: Authority cited: Sections 1530 and 1530.5, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

**87087.1 ADDITIONAL BUILDINGS AND GROUNDS REQUIREMENTS
FOR SPECIALIZED FOSTER FAMILY HOMES****87087.1**

- (a) Areas in the home, including bedrooms, bathrooms, toilets, dining areas, passageways and recreational spaces used by a child with special health care needs shall be large enough to accommodate any medical equipment needed by the child therein.
 - (1) Bedrooms occupied by children with special health care needs shall be large enough to allow the storage of each child's personal items and any required medical equipment or assistive devices, including wheelchairs, adjacent to the child's bed.
 - (A) The bedroom shall be large enough to permit unobstructed bedside ministration of medical procedures and medications.
- (b) Notwithstanding Section 87087(a)(1), a bedroom used by a child with special health care needs shall not be shared with another minor residing in the facility if the child's need for medical services or the child's medical condition would be incompatible with the use and enjoyment of the bedroom by each minor.
- (c) When required by the child's individualized health care plan, the licensee(s) or other adult caring for the child shall sleep in a bedroom adjacent or in close proximity to the child's room.

NOTE: Authority cited: Section 17730, Welfare and Institutions Code and Section 1530, Health and Safety Code. Reference: Section 17732, Welfare and Institutions Code.

87087.2 OUTDOOR ACTIVITY SPACE**87087.2**

- (a) The licensee shall provide yard or outdoor activity space which is free from hazards to life and health.
- (1) Where the licensee resides in an apartment, condominium, or similar housing arrangement which does not have separate yard space, the outdoor activity space shall include, but not be limited to, activity centers and public parks.
 - (2) A sketch of the physical plant, as required in the plan of operation pursuant to Section 87022, shall include the location(s) of the outdoor activity space.
 - (3) The outdoor activity space shall not include any area made inaccessible by fencing pursuant to Section 87087(d).
 - (4) Where natural or man-made hazards such as canals, cliffs, creeks, condemned buildings, ditches, lakes, ocean fronts, mines, power lines, quarries, rivers, ravines, swamps, watercourses, and areas subject to flooding lie on or adjacent to the facility premises, the outdoor activity space shall be inaccessible to such hazards.
 - (A) Where a fence or wall is used to make the outdoor activity space inaccessible, the requirements of Section 87087(d)(1) shall be met.

NOTE: Authority cited: Sections 1530 and 1530.5, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

87087.4 STORAGE SPACE**87087.4**

- (a) Medicines, disinfectants, cleaning solutions, poisons, firearms and other dangerous items shall be stored where inaccessible to children.
- (1) Storage areas for poisons, and firearms and other dangerous weapons shall be locked.
 - (2) In lieu of locked storage of firearms, the licensee may use trigger locks or remove the firing pin.
 - (A) Firing pins shall be stored and locked separately from firearms.
 - (3) Ammunition shall be stored and locked separately from firearms.
- (b) Medicines shall be stored as specified in Section 87075(k) and separately from other items specified in Section 87087.4(a).
- (c) General storage space shall be available to ensure that nothing is stored in space used to meet other requirements of these regulations.

87087.4	STORAGE SPACE (Continued)	87087.4
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- (d) The items specified in (a) above shall not be stored in food storage areas or in storage areas used by or for clients/children.

NOTE: Authority cited: Sections 1530 and 1530.5, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

87088	FIXTURES, FURNITURE, EQUIPMENT, AND SUPPLIES	87088
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- (a) The licensee shall maintain at least one operative toilet, sink, and tub or shower.
- (1) Additional equipment, aids, and/or conveniences shall be provided in home accommodating children who need such items.
- (2) All toilets, handwashing and bathing facilities shall be maintained in safe and sanitary operating conditions.
- (b) The licensee shall provide each child with an individual bed which is equipped with a clean, comfortable mattress, clean linens, blankets, and pillows, as needed, all in good repair.
- (1) Linen shall be changed at least once per week or more often when necessary to ensure that clean linen is in use by children at all times.
- (2) Beds shall be arranged to allow easy passage between beds and easy entrance into the room.

HANDBOOK BEGINS HERE

- (3) Rubber or plastic sheeting or bed coverings should be provided when needed.

HANDBOOK ENDS HERE

- (c) The licensee shall provide each infant with a safe and sturdy bassinet or crib, appropriate to the child's age and size.
- (d) Bunk beds of more than two tiers shall not be used.
- (1) Bunk beds shall have railings on the upper tier to prevent falling.
- (2) Children under five years of age or those who are unable to climb into or out of the upper tier unassisted shall not be permitted to use the upper tier.

87088 FIXTURES, FURNITURE, EQUIPMENT, AND SUPPLIES (Continued)**87088**

- (e) The licensee shall maintain a comfortable temperature for children at all times.
 - (1) The licensee shall maintain the temperature in rooms that children occupy between a minimum of 68 degrees F (20 degrees C) and a maximum of 85 degrees F (30 degrees C).
 - (A) In areas of extreme heat, the maximum shall be 30 degrees F (16.6 degrees C) less than the outside temperature.
- (f) Fireplaces and open-faced heaters shall be made inaccessible to children.

HANDBOOK BEGINS HERE

- (1) The use of a fireplace screen or similar barrier will meet this requirement.

HANDBOOK ENDS HERE

- (g) The licensee shall maintain all window screens in good repair and free of insects, dirt and other debris.
- (h) The licensee shall provide lamps or light as necessary in all rooms and other areas to ensure the comfort and safety of all persons in the home.
- (i) Faucets used by clients for personal care and grooming shall deliver hot water.
 - (1) Hot water temperature controls shall automatically regulate temperature of hot water delivered to plumbing fixtures used by children to attain a hot water temperature of not less than 105 degrees F (40.5 degrees C) and not more than 120 degrees F (48.8 degrees C).
- (j) Solid waste shall be stored, located and disposed of in a manner that will not permit the transmission of communicable disease or of odors, create a nuisance, provide a breeding place or food source for insects or rodents.
 - (1) All containers, including movable bins, used for storage of solid wastes shall have tight fitting covers on the containers, shall be in good repair, shall be leakproof and rodent-proof and shall be maintained in a clean and sanitary condition.

87088 FIXTURES, FURNITURE, EQUIPMENT, AND SUPPLIES (Continued) 87088

- (2) Solid waste containers, including movable bins, receiving putrescible waste shall be emptied at least once per week or more often if necessary to comply with (j) above.
- (3) Each movable bin shall provide for suitable access and a drainage device to allow complete cleaning at the storage area.
- (k) The licensee shall provide toys, games, books, and recreational and educational materials for the children's needs, based upon their ages, and mental and physical development.
- (l) Each bedroom shall have portable or permanent closets and drawer space to accommodate the child's clothing and personal belongings.
- (m) All foster family homes, except homes with sprinkling systems, shall have an approved commercially manufactured and functioning smoke detector installed in the hallway(s) in each sleeping area in the home. The smoke detectors shall be audible in each bedroom or sleeping room.

NOTE: Authority cited: Sections 1530 and 1530.5, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.